

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

KEVIN MULLINS,  
*Individually and on behalf of  
all others similarly situated,*  
Plaintiff,

Case No. 1:19cv964  
1:20cv936  
1:21cv042  
1:21cv345

JACOB WILSON,  
*Individually and on behalf of  
all others similarly situated,*  
Plaintiff,

CHRISTOPHER LEVI,  
*Individually and on behalf of  
all others similarly situated,*  
Plaintiff,

WILLIAM POWELL,  
*Individually and on behalf of  
all others similarly situated,*  
Plaintiff,

v.

THE KROGER COMPANY, et al.,  
Defendants.

**CALENDAR ORDER**

Pursuant to the filing of the Rule 26(f) Report by the parties on November 19, 2021 (Docs. 79, 43, 45, 91 respectively), this case shall proceed as follows:

1. Telephone Status Conference<sup>1</sup>: **January 13, 2022 at 12:30 pm, by Telephone**

**ATTENTION: parties shall be prepared to inform the Court of their progress related to Plaintiffs' settlement demand and the Defendants'**

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<sup>1</sup>1 Conferencing instructions to be provided by a separate notice which will follow this Order. These instructions shall be used each time the Court conducts a telephone conference.

**response prior to this setting in order to discuss the possibility of setting an early intervention settlement conference.**

2. Deadline to file motion for leave to amend the complaint: **February 10, 2021**
3. Deadline for motions relative to the pleadings: **September 30, 2022**
4. Deadline for disclosure of expert witnesses and submission of expert reports<sup>2</sup>: Plaintiff disclosure and report of experts: **May 27, 2022**  
Defendant disclosure and report of experts: **May 27, 2022**  
Disclosure and report of rebuttal experts: **July 29, 2022**
5. Discovery to be completed by<sup>3</sup>: **August 26, 2022**
6. Dispositive motion deadline<sup>4</sup>: **September 30, 2022**
7. Settlement Conference<sup>5</sup>: **November 9, 2022 at 10:00 a.m. in Room 239**
8. Joint Final Pretrial Order/Jury Instructions: **Submitted to the Court one week prior to the final pretrial conference**
9. Final pretrial conference: **February 28, 2023 at 10:00 a.m., Room 239**
10. Jury Trial: **April, 2023, Courtroom 109**

**IT IS SO ORDERED.**

s/Michael R. Barrett  
Michael R. Barrett, Judge  
United States District Court

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<sup>2</sup>Disclosure of Experts, Expert reports, and non-expert (fact) witnesses are not required to be filed with the Court.

<sup>3</sup>Counsel shall not presume that a pending motion stays their obligation to complete discovery by this date.

<sup>4</sup>Counsel shall familiarize themselves with the Court's Standing Orders and S.D. Ohio Civ. R. The Court will not read beyond 20 pages unless leave has been previously sought and granted. This Court requires courtesy copies of all substantive motions be delivered to chambers upon filing.

<sup>5</sup>Special Instructions regarding settlement: 1. All parties must bring their client or a representative with full settlement authority. Failure to follow this requirement will result in sanctions; 2. Each counsel must prepare and submit via hand delivery to the Court or via the chamber's email address at: [barrett\\_chambers@ohsd.uscourts.gov](mailto:barrett_chambers@ohsd.uscourts.gov) a letter no longer than five pages one week prior to the conference a synopsis of the case and the status of any settlement negotiations to date. These letters **NEED NOT** be filed with the Clerk's Office nor exchanged with opposing counsel.